

The Honorable JUDGE RONALD B. LEIGHTON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CRYSTAL AMMONS,

Plaintiff,

v.

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; NORM
WEBSTER, individually and in his
official capacity acting under color of
state law; and MARY LAFOND,
individually and in her official capacity
acting under color of state law,

Defendants.

NO. C08 5548 RBL

ORDER GRANTING
DEFENDANTS' MOTION FOR
FED. R. CIV. P. 35
EXAMINATION

THIS MATTER, having come before the Court on Defendants Motion for Fed. R. Civ. P. 35 Examination, and the Court having reviewed all pleadings filed herein, including Defendants' Motion and the Declarations of Ian M. Bauer and Kevin B. McGovern, Ph.D., in support thereof, Plaintiff's response (if any) and all materials filed in support thereof, as well as Defendants' reply, it is hereby:

ORDERED, ADJUDGED AND DECREED that Defendants' Motion for Fed. R. Civ. P. 35 Examination is hereby GRANTED. And, it is further

ORDERED, ADJUDGED AND DECREED that:

1. Defendants, collectively, are entitled to conduct one Fed. R. Civ. P. 35 examination of Plaintiff Crystal Ammons.
2. Defendants' examination shall occur on April 14 and 15, 2009, at a mutually-convenient neutral location. The examination shall begin at 10:00 a.m. on each day, unless otherwise agreed to by the parties. Defendants' examination of Ms. Ammons shall be conducted by Kevin B. McGovern, Ph.D. During the first day of Defendants' examination, Dr. McGovern will administer standard psychological tests on Ms. Ammons. The second day of Defendants' examination shall consist of a comprehensive clinical interview.
3. Ms. Ammons may have a representative of her choosing present during her entire examination, who may observe but not interfere with or obstruct the examination.
4. Ms. Ammons' representative may make a recording of the examination which shall be made in an unobtrusive manner. The recording may be made via audio or videotape, at Plaintiff's expense. Should Plaintiff elect to record her examination, Defendants may obtain a copy thereof at their own expense.
5. Pursuant to Fed. R. Civ. P. 35, Defendants shall deliver to Plaintiff's counsel a copy of a detailed written report of the examination upon request.

DONE IN OPEN COURT this 26th day of March, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

OFFICE OF THE ATTORNEY GENERAL

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